IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.214 OF 2002
IN
SUMMARY SUIT NO.3316 OF 2001

Vipul H.Shah .. Plaintiff

Vs.

N.L.Upadhyay (H.U.F.) .. Defendants

Mr.Bharat Mehta for the plaintiff

None for the defendants

CORAM : S.U.KAMDAR, J

DATED : 23RD AUGUST, 2005

P.C.:

1. The present suit is filed for the recovery of sum of Rs.15 lacs with interest thereon totalling to sum of Rs.23,51,219/-. The interest claim is 21% p.a. The cheque has been dishonoured and in pursuant thereof, notice was given on 5.1.99. The bank has issued memo of dishonour saying that "Fund expected please present again" on the ground of insufficient funds. Thereafter notices were issued. There is no reply to the said notices and in view thereof, the present suit is filed for the

recovery of the aforesaid amount with interest @ 21% p.a.

2. The defendants are served. One advocate Mr.Yagnik has filed his Vakalatnama. The plaintiff has taken out Summons for Judgment. Matter was on board on 22.7.05. None appeared for the defendants and the matter was again adjourned for 2 weeks. This summons for judgment was on board on 22.8.05 when the advocate appearing on behalf of the defendants took time till today on the ground that Mr.Yagnik is not well and the matter was thereafter for the convenience of the advocate for the defendant was placed today on board. None appears for the defendant today also. There is no affidavit in reply in the Summons for Judgment also. In view thereof, Summons for Judgment made absolute. The documents i.e. the Exhibits are taken on record and marked Ex.P-1 collectively. Summons for Judgment is made absolute and the following decree is passed:

3. The defendants will be entitled to sum of Rs.15.0 lacs with simple interest @ 18% pa. from

the date of 22.12.98 till payment and or realisation.

4. Both Summons for Judgment as well as suit are disposed of in terms of the aforesaid order. No order as to costs. Refund of Court Fee as per rules.